

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT WELTON,

Petitioner,

v.

BRYAN D. PHILLIPS,

Respondents.

No. 2:23-cv-01325 DB P

ORDER

Respondent has requested an extension of time to file the answer to petitioner's application for writ of habeas corpus. (ECF No. 17.) Good cause appearing, the request is granted.

In addition, petitioner has requested the appointment of counsel. (ECF No. 16.) There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Respondent's request for extension of time (ECF No. 17) is granted. Respondent may have until May 20, 2024, to file the answer to the petition for writ of habeas corpus; if petitioner

1 wishes to respond to the answer, he shall do so by filing a traverse with the court and serving it on
2 Respondent's counsel within thirty (30) days of the date the answer is filed.

3 2. Petitioner's motion for appointment of counsel (ECF No. 16) is denied without
4 prejudice to a renewal of the motion at a later stage of the proceedings.

5 Dated: April 18, 2024

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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